

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

RUEBEN RAY SMITHERMAN, )  
Plaintiff, )  
v. )  
CASE NO. 2:05-cv-1222  
PENNSYLVANIA LIFE INSURANCE )  
COMPANY, individually and as successor)  
in interest to EXECUTIVE FUND LIFE )  
INSURANCE COMPANY, )  
Defendant. )

**MOTION FOR ENTRY OF CONSENT PROTECTIVE ORDER**

COMES NOW Pennsylvania Life Insurance Company (“Penn Life”) and moves the Court to enter the attached Consent Protective Order (“Protective Order”). In support of this Motion, Penn Life states as follows

1. In order to facilitate discovery in this action and to protect those documents produced by the parties in discovery containing sensitive or otherwise confidential information, the parties have consented to the entry of the attached Protective Order.

WHEREFORE, Penn Life respectfully requests that this Court enter the Protective Order and that such Protective Order be controlling over document production in the above-referenced matter.

Respectfully submitted, this 18th day of August, 2006

/s/ Will A. Smith  
Will A. Smith  
MAYNARD, COOPER & GALE, P.C.  
1901 Sixth Avenue North  
Suite 2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2618

Phone: (205) 254-1000  
Fax: (205) 254-1999

One of the Attorneys for Defendant Pennsylvania

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person(s) by placing a copy of same in the United States mail, postage prepaid and properly addressed, this the 18th day of August 2006.

Robert G. Methvin Jr.  
J. Matthew Stephens  
Rodney G. Miller  
McCallum & Methvin, PC  
The Highland Building  
2201 Arlington Avenue South  
Birmingham, AL 35205  
(205) 939-0199

/s/ Will A. Smith  
OF COUNSEL